

**MINUTES OF THE  
TOWN COUNCIL MEETING OF  
GARDEN CITY, UTAH**

The Garden City Town Council held their regularly scheduled meeting on Thursday, March 12, 2015 at the Garden City Lakeview Building located at 69 N. Paradise Parkway, Building C. Mayor Spuhler opened the meeting at 5:00 p.m.

Town Council Members present:

John Spuhler, Mayor  
Darin Pugmire  
Chuck Stocking  
Bruce Warner via speaker phone  
Bess Huefner via speaker phone

Others Present:

Sharlene Millard  
Anita Weston  
George Peart  
Norm Mecham  
Riley Argyle  
Zan Murray  
Nate Parry  
Kathleen Porter  
Skip Duffin

**ROLL CALL**

Mayor Spuhler asked for a roll call of Council Members present: Mayor Spuhler, Council Member Huefner, Stocking, Council Member Pugmire, Council Member Stocking, and Council Member Warner.

**APPROVAL OF MINUTES**

**Minutes of the Public Hearing of the Town Council held on March 12, 2015**

Council Member Pugmire made the motion to approve the minutes of the public hearing of February 12, 2015. Council Member Stocking seconded the motion. Mayor Spuhler said that there was 58 minutes of conversation regarding the seasonal access roads. He said that the only one mentioned was Ray Elliott, but Dirk Bailey made some comments and Skip was here and Joey Stocking was here and he was curious why there was 58 minutes of conversation and we only ended up with 1 paragraph. He said that he wanted to make that note so it is in the minutes. A roll call vote was taken: Council Member Huefner, for; Council Member Pugmire, for; Council Member Stocking, for; Council Member Warner, for; Mayor Spuhler, for. Motion carried.

Minutes of the Town Council meeting held on March 12, 2015

Council Member Pugmire made the motion to pass the minutes for the Garden City Town Council meeting for February 12, 2015. Council Member Stocking seconded the motion. A roll call vote was taken: Council Member Huefner, for; Council Member Pugmire, for; Council Member Stocking, for; Council Member Warner, for; Mayor Spuhler, for. Motion carried.

**FINAL APPROVAL FOR RV PARK LOCATED AT 300 WEST AND APPROXIMATELY 450 NORTH, Conestoga, Mike Knapp and Rich Smart**

Mr. Murray said that he reviewed the ordinance regarding RV parks 11C-706. This request is for final approval for the RV park. Mr. Murray said that he hasn't reviewed the plans for the final plat requirements. He said that he isn't sure that the plans are ready for the final review and he hasn't seen them.

Mr. Murray said that the proximity to the canal requires that the canal company be notified of any development within 100 feet of the development. We are not sure that has taken place yet. Mr. Mecham, President of the Hodges Canal Company, said that the developer has contacted him but the city has not notified them. Mr. Mecham has not seen the plans.

Mayor Spuhler said that there are some additional things that need to be considered and wondered if we can approve this based on the completion of the additional items. Mr. Peart said that he has tried to contact Mr. Knapp, but hasn't got in touch with him. He suggested that the Council table this agenda item until the conditions are completed.

Council Member Warner said that he feels that final approval is not appropriate in this meeting.

Mr. Murray read through the ordinances and still feels that the Council does not have the complete final plans as are required by the ordinance.

The conditional use permit was approved by the Planning Commission for the glamping, which was separate from the RV park. Mayor Spuhler said that he has approval to move forward with the glamping, but there are enough things to get through for the final approval for the RV park that it may not be ready for final approval at this time. Mayor Spuhler said that he needs Mr. Murray and Mr. Peart to engage with Mr. Knapp so everyone knows what is going on and to make sure that the ordinances are met

Mayor Spuhler said that he is recommending that if he gets the plans done then we can approve it next month.

The conditional use permit was approved by the Planning Commission 2 months ago. During their meeting in March they approved the RV park and sent it on to the Town Council with the stipulations per their motion. They sent it to the Council for their approval.

Council Member Pugmire asked which buildings is part of the glamping section, so the Council knows what be built with the glamping. He said that we need to know so the Council is aware of

what can be built before the RV park has final approval. Mayor Spuhler said that the glamping portion has been approved but we can't give them final until all the criteria have been met. It's nice to say that we are in favor of the direction it's headed.

Council Member Stocking made the motion to accept the glamping park site utility plan as presented as preliminary approval. He said that he made the motion based on the wording on the plans. Mayor Spuhler said to use the wording on the agenda. Motion died for lack of a second and because motion was restated.

Council Member Stocking made the motion to accept the RV park at 300 west approximately 400 north for the preliminary approval. Council Member Pugmire seconded the motion. A roll call vote was taken: Council Member Huefner, for; Council Member Pugmire, for; Council Member Stocking, for; Council Member Warner, for; Mayor Spuhler, for. Motion carried.

Mayor Spuhler wanted the record to note that they did get conditional use approval for the glamping portion, so they do have that approval.

Garden City will send a letter to both canal companies regarding this project.

## **BID AWARDS**

### 150 south street beach access parking project

Circle C was the lowest bidder. Mayor Spuhler said that we haven't had any problems from Circle C in the past.

Council Member Stocking made the motion to award the bid to Circle C Construction for 150 south street beach access parking project. Council Member Huefner seconded the motion. A roll call vote was taken: Council Member Huefner, for; Council Member Pugmire, for; Council Member Stocking, for; Council Member Warner, for; Mayor Spuhler, for. Motion carried.

Mayor Spuhler signed the award of bid.

### 300 west water line replacement/crossing project

The low bidder was MJM Construction.

Council Member Warner made the motion to award the bid to MJM Construction for 300 west water line replacement/crossing project. Council Member Huefner seconded the motion. A roll call vote was taken: Council Member Huefner, for; Council Member Pugmire, for; Council Member Stocking, for; Council Member Warner, for; Mayor Spuhler, for. Motion carried.

Mayor Spuhler signed the award of bid.

**SHORT TERM RENATL LICENSE DISCUSSION/APPROVAL**

**815 N Harbor Drive #206, Owner is Kyle Kofoed, Bear Lake Project Management**

Council Member Warner said that the paperwork for this one looked fine to him.

Council Member Stocking made the motion to approve the rental license for 815 Harbor Drive #206, Owner is Kyle Kofoed, Bear Lake Project Management. Council Member Pugmire seconded the motion. A roll call vote was taken: Council Member Huefner, for; Council Member Pugmire, for; Council Member Stocking, for; Council Member Warner, for; Mayor Spuhler, for. Motion carried.

**1020 S Snowmeadows Dr. Owner is Jeff Bedard, Bear Lake Cabin Rentals**

Council Member Warner said that he hasn't seen the inspection report. Council Member Stocking said that he has them with him at the meeting and they are signed. Mayor Spuhler said that they look like they are done. Council Member Stocking said that he still needs to get the floor plans drawn professionally then he will turn them into the office.

Council Member Pugmire made the motion to accept the short term rental license for 1020 S Snowmeadows Dr., owner is Jeff Bedard, Bear Lake Cabin Rentals as the property management company, that is upon receiving the floor plan drawn to scale with dimensions. Council Member Huefner seconded the motion. A roll call vote was taken: Council Member Huefner, for; Council Member Pugmire, for; Council Member Stocking, for; Council Member Warner, for; Mayor Spuhler, for. Motion carried.

**41 E Spinnaker Point Dr. Owner is Denis Despres, Bear Lake Cabin Rentals**

The same things apply to this license regarding the inspection reports and the floor plan drawing.

Council Member Pugmire made the motion to accept the short term rental license for 41 E Spinnaker Point Dr., owner is Denis Despres, with Bear Lake Cabin Rentals as their property management company and it has to be brought into us the floor plan drawn to scale with dimensions. Council Member Huefner seconded the motion. A roll call vote was taken: Council Member Huefner, for; Council Member Pugmire, for; Council Member Stocking, for; Council Member Warner, for; Mayor Spuhler, for. Motion carried.

**DISCUSSION/APPROVAL OF COVENANT TO RUN WITH THE LAND**

**(ENCUMBRANCE), Leonard and Carol Arave. Parcels to be encumbered are 41-21-40-232, 41-21-40-168, and 41-21-40-082.**

Mayor Spuhler explained the encumbrance. Mr. Nate Parry explained that they want to build a detached garage on the one lot so they need to encumber them first.

Council Member Stocking made the motion to approve the encumbrance to run with the land for Leonard and Carol Arave. The parcels to be encumbered are 41-21-40-232, 41-21-40-168, and

41-21-40-082. Council Member Pugmire seconded the motion. A roll call vote was taken: Council Member Huefner, for; Council Member Pugmire, for; Council Member Stocking, for; Council Member Warner, for; Mayor Spuhler, for. Motion carried.

### **PUBLIC COMMENTS**

Mr. Nate Parry asked about the beach access for this summer. Mayor Spuhler said that he met with Fire Forestry and State Lands today and because of our beach permit they are going to allow us to do some different things with the beach. We will be able to park cars on the beach. We are still waiting for our Army Corp permit to improve and create nicer beaches.

Mr. Skip Duffin asked what the mobilization facility is, which is listed on the agenda. Mayor Spuhler said it is mobilizing additional water storage, building it or acquiring it.

### **DISCUSSION OF ACQUIRING/CONSTRUCTING STORAGE AND BUILDING MOBILIZATION FACILITIES FOR THE WATER SYSTEM AND OBTAINING ASSOCIATED EASEMENTS, Norm Mecham proposal**

Mayor Spuhler said that if we purchase the Shundahai tank we would be the owner of the tank. We would own the easements and the land underneath the tank. The city wouldn't own the land where the lines are but would own the water lines and have an easement for the water lines.

Mr. Mecham has looked at the proposal for the tank that Mr. Murray put together. He said that the only difference between purchasing the Shundahai tank and building a new tank is about \$77,000. That really is just the additional pumping costs over 12 years. Mr. Mecham proposed a 30 year payback on his tank. Mr. Mecham discussed his tank and said that if he reduced the cost of his tank \$100,000 then they would be comparing apples to apples.

Mayor Spuhler said that his concern is the easements to the tank. That is his big issue and it needs to be resolved. Mr. Mecham said that he is still working with Mr. Murray on the easements and the requirements for the easements.

Mr. Mecham said that there isn't an agreement drawn up yet, basically he is just selling the tank to the city for a set amount. He said that he feels it would be cheaper for the city to buy his tank and it is advantages to him to sell it to the city.

Mayor Spuhler said that he likes the idea of buying an existing tank because then we don't have to deal with the details of construction. There is cost and efforts of everyone if we decide to build a tank.

Mayor Spuhler said that we need to get the easements completed and get the proposal completed for the Shundahai tank.

Council Member Pugmire said that he would like a tank further to the south end of town, so it would help the pressure at that end of town. Mr. Mecham said that he should talk with Mr.

Murray because that should be taken care of with the pressure reducer valve. That is a question for Mr. Murray, but it really has the ability to back feed throughout town.

Council Member Warner said that our Engineer has planned on having the Sundahai tank as part of our system for a long time. They haven't had an engineering issue with it. The single issue that has been identified is pumping the water up the hill, and how expensive that will be. He said that issue has been resolved. He said that acquiring this tank is a good option, then we won't have the exposure like we may have on constructing a new tank with cost overruns.

We do need to mobilize this tank to make it useful to the whole city, which is what the engineers have been working on. Council Member Huefner said that she agrees with the purchase of the Shundahai tank. Then there aren't surprises that could happen with building a new project.

Mayor Spuhler said that we need to get the easements in place and a good written proposal so the Town Council can review it to make a good decision. Mr. Mecham said that he will work with Mr. Murray to get that done.

Council Member Warner said that he will work on the grant with USDA and the financing so we can move forward on this project.

Mayor Spuhler said that we need to get a written proposal so we can give it to the city attorney to review prior to finalizing the documents.

Mayor Spuhler said that we are moving forward with the purchase of the Shundahai tank.

### **RESOLUTION DISCUSSION/APPROVAL**

#### **Resolution #R15-03, a resolution of the Town Council of the Town of Garden City establishing land use fees and miscellaneous fees for services rendered**

The Town Council reviewed the changes to the fee schedule.

Council Member Stocking made the motion to accept resolution #R15-03 with the change under grama request to wage of the person completing the research plus 15% of 30 minutes or fraction thereof. Council Member Huefner seconded the motion. A roll call vote was taken: Council Member Huefner, for; Council Member Stocking, for; Council Member Warner, for; Mayor Spuhler, for. Motion carried.

#### **Resolution #R15-04, a resolution updating the Administrative Code Infraction Fine Schedule**

The Council Members reviewed the resolution and made changes to the language.

Council Member Pugmire made the motion to update and approve resolution #R15-04 as we have made changes to it. Council Member Stocking seconded the motion. A roll call vote was taken: Council Member Huefner, for; Council Member Pugmire, for; Council Member Stocking, for; Council Member Warner, for; Mayor Spuhler, for. Motion carried.

## **ORDINANCE DISCUSSION/APPROVAL**

Ordinance #15-12, an ordinance establishing motorized or non-motorized access based on the general welfare and public safety of the community.

Mayor Spuhler explained that this ordinance was discussed at length last month during the public hearing and during the Town Council meeting.

Council Member Warner made the motion to accept ordinance #15-12 with the changes as indicated. Council Member Stocking seconded the motion. Council Member Pugmire asked who will be in charge of our enforcement. Mayor Spuhler said that we need to get someone to be in charge of our enforcement. Council Member Pugmire said that he understands the reason for this but it will make a lot of residents upset. A roll call vote was taken: Council Member Pugmire, opposed; Council Member Stocking, for; Council Member Warner, for; Council Member Huefner, for; Mayor Spuhler, for. Motion carried.

Ordinance #15-13, an ordinance updating RV Parks.

The Council Members discussed the ordinance and the sentence stating that recreational vehicles parks are conditional uses in all zones. They decided to leave that sentence but change it to state that recreational vehicle parks are conditional uses in commercial zones.

Council Member Pugmire made the motion to pass ordinance #15-13 as corrected with the notes on the back page and the changes that were made on 11C-801-A-1, stating that it is allowed as a conditional uses but only in commercial zones. Council Member Stocking seconded the motion. A roll call vote was taken: Council Member Pugmire, for; Council Member Stocking, for; Council Member Warner, for; Council Member Huefner, for; Mayor Spuhler, for. Motion carried.

## **MISCELLANEOUS ITEMS**

Discussion/Approval of request for water connection at new memorial and monument grounds, Gaye Johnson

Mayor Spuhler said that he felt this is reasonable but he said that he doesn't know how to do it legally. He said that it is for the public to enjoy so he feels it is reasonable. He said that he would like a letter from them stating that it's for public, for the future, to go through and look at. He said that Ms. Johnson is requesting the water connection and the future water usage to be paid by the city.

Council Member Pugmire said that it looks very good. The property owner has asked if the city would like to take over the property as a park and do all the maintenance. Mayor Spuhler said that at this time the request is a great compromise.

Council Member Warner said that he feels that this is a good cause but there are a lot of good causes out there. He said that he doesn't want to set the precedence of taking over and paying for

this unless they donate the land to the city. At that time we would take over all maintenance and liability. Mayor Spuhler asked if we want that responsibility and liability.

Council Member Warner said that this request would make the rest of the citizens pay for the water connection and the water service. Council Member Huefner said that she agrees because it would allow anyone to say they are creating a monument and ask the city to pay for the connection and the water service.

Mayor Spuhler suggested that we get a letter from the property owner saying that it is for the use of the public then we can pay for the water connection. The Council Members agreed with the hookup concept but not the ongoing water use.

Council Member Pugmire made the motion that the Gaye Johnson property on Bear Lake Blvd, that we waive her connection fee for her memorial monument ground, but only just waiving the water connection fee, with a letter indicating that it will be open for the public. Council Member Stocking seconded the motion. A roll call vote was taken: Council Member Pugmire, for; Council Member Stocking, for; Council Member Warner, for; Council Member Huefner, for; Mayor Spuhler, for. Motion carried.

Discussion/Approval of water turn on/off fee reduction for water that was turned off in January due to delinquency.

Council Member Warner explained that there is a lady in town that has been having the LDS church pay for her water bill in the past. The problem is that she doesn't get her water paid so we go out and disconnect her service. Recently, it was shut off in the middle of the winter and he decided not to disconnect an elderly person in this situation in the middle of the winter. She then asked if we could waive the turn on/turn off fee because the fee will just be paid by the LDS church. He suggested that we just leave the water on for her.

Mayor Spuhler suggested that she sign up for the widow discount rate. We have already sent her the paperwork to fill out but it hasn't been returned. Mayor Spuhler said that he is concerned with setting precedent with this type of situation. He said that we have a remedy that would cut her water bill in half.

Council Member Huefner suggested that we reach out and discuss this with the Bishop. Mayor Spuhler said that he is concerned with mixing church and state. We need to discuss this with her directly.

Mayor Spuhler said that we need to give her the reduced price, even without the documentation.

Council Member Warner said that he feels it is a liability to turn off her water. Mayor Spuhler said that legally we can't just go against our ordinances. We can tell her to pay her water in advance at the discounted rate, then she won't have to worry about the turn off/on fee. He said that we must be consistent.

Someone needs to contact her and explain the situation. Council Member Warner said that she is behind with her turn on/turn off fee. Council Member Huefner said that we can give her the one time waiver of that fee. Council Member Warner has the authority to decide what is best to do in this situation.

#### Easter Egg Hunt, Cindy Winter

Ms. Cindy Winter is going to organize the Easter Egg Hunt. It is a great time for the kids and there is a lot of kids and people that enjoy it. The budget will be the same as it has been in the past.

### **COUNCIL MEMBER REPORTS**

Council Member Stocking said that the part for the spa boiler should be in tomorrow and will be fixed soon.

The Library is moving forward on the sign so they can advertize their events.

Council Member Warner said that he has talked to Mr. Rick Rose about the DJ bid for the Raspberry Days Festival. He said that Mr. Rose felt that he was excluded from the original process. Council Member Warner asked if it would be worth it to go through the process again and have a couple of the Council Members work through the process to make sure that the decision is the right one. Mayor Spuhler said that he feels very confident with Mr. Patrick Floyd, who is over entertainment for Raspberry Days this year. Mayor Spuhler said that Mr. Rose was given a fair opportunity to bid on this job with the original bid process. Mr. Floyd has already re-bid this job and he found someone he liked. Mr. Floyd is confident he can do the job. Mr. Rose had the opportunity to re-bid for the job a second time and he did turn in a bid.

It was sent out for re-bid because the person that was given the original bid didn't have the right equipment for the job. Mr. Rose sent in a bid for the second bid request. Council Member Huefner said that we are good with the Raspberry Days DJ bid process.

Council Member Warner said that we should have a real estate agent and an appraiser look at the value of the easement that will be involved with the 4 acres by Elk's Ridge. He would like to get that resolved so we can install the PRV valve and solve the problem with the Elk's Ridge developers. Mayor Spuhler asked if they want to sell the property to the city. Council Member Huefner said that they hadn't decided when she talked to them, but she has given them 6 weeks to think it over. She will contact them this week to see if they have decided to sell the property. Mayor Spuhler said that we really don't need 4 acres, we just need the easement. Council Member Warner said that if they won't sell the easement voluntarily then we should condemn it so that we can eliminate any possibility of liability.

Council Member Huefner will contact them this week. Mayor Spuhler said that it is an important easement for the city. We need to work with them.

Council Member Warner explained that there is a project called Forever Forest. This is a way that we could possibly obtain property for more parks through private investments. The investors could get tax credits for their property. This company specializes in conservation easements. We need someone locally that would be willing to be a lead partner on this project. Council Member Huefner said that it would also work with the Foundation that we have been trying to get set up with BRAG.

Mayor Spuhler said that he has been involved with HB140. Council Member Pugmire also helped through the process. The state is happy with Garden City. We did a good job and we need to be involved in the Legislative process when it affects Garden City.

Council Member Pugmire said that if a person can show that they are a registered voter in Garden City then they should get a free annual pass to the beach.

### **PAYMENT VOUCHERS**

The Council Members reviewed the vouchers and payment requests.

Council Member Huefner made the motion to pay the vouchers. Council Member Pugmire seconded the motion. A roll call vote was taken: Council Member Pugmire, for; Council Member Stocking, for; Council Member Warner, for; Council Member Huefner, for; Mayor Spuhler; for. Motion carried.

Council Member Pugmire made the motion to close the meeting. Motion died for lack of second.

### **EXECUTIVE SESSION**

Mayor Spuhler said that he would like to go into executive session to discuss a legal matter.

Council Member Stocking made the motion to go into executive session at 7:45 p.m. to discuss the purchase of land. Council Member Huefner seconded the motion. A roll call vote was taken: Council Member Pugmire, for; Council Member Stocking, for; Council Member Warner, for; Council Member Huefner, for; Mayor Spuhler; for. Motion carried.

Minutes of the Executive Session will be recorded separately. The recorder was stopped at this point to make a separate copy of the executive session.

There being no further business to discuss during the executive session Council Member Pugmire made the motion to close the executive session at 8:10 p.m. Council Member Stocking seconded the motion. A roll call vote was taken: Council Member Pugmire, for; Council Member Stocking, for; Council Member Warner, for; Council Member Huefner, for; Mayor Spuhler; for. Motion carried.

**ADJOURNMENT**

There being no further business to discuss, during the regular meeting, Council Member Pugmire made the motion to adjourn the meeting at 8:10 p.m. Council Member Stocking seconded the motion. A roll call vote was taken: Council Member Pugmire, for; Council Member Stocking, for; Council Member Warner, for; Council Member Huefner, for; Mayor Spuhler; for. Motion carried.

APPROVAL:

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John Spuhler, Mayor

Attest:

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Sharlene Millard, Assistant Clerk